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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

May 7, 2004

**By Hand Delivery**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554

RE: MB Docket No.: 04-89, RM-10888  
Horseshoe Beach, Florida - Channel 234C3  
Living Proof, Inc., Petitioner - FRN: 0006-2429-11

Dear Ms. Dortch:

Living Proof, Inc., by and through its attorneys, hereby submits these Comments in support of its Petition for Rulemaking to reserve the above-reference vacant commercial FM allotment for noncommercial use.

Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,



Harry C. Martin  
Lee G. Petro

Counsel for Living Proof, Inc.

Enclosures

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: }  
 }  
Amendment of Section 73.202(b), }  
Table of Allotments, }  
FM Broadcast Stations }  
 }  
(Horseshoe Beach, Florida) }

MB Docket No.: 04-89  
RM-10888

TO: CHIEF, MEDIA BUREAU

**COMMENTS**

Living Proof, Inc. ("Living Proof"), by and through its attorneys, hereby submits these Comments in support of the reservation of Channel 234C3, Horseshoe Beach, Florida, for noncommercial use. Living Proof submitted a Petition for Rulemaking on November 21, 2003, in response to the *Public Notice*<sup>1</sup> establishing a filing window for reserving existing, vacant commercial FM allotments. On March 26, 2004, the FCC released a Notice of Proposed Rulemaking proposing the reservation of the allotment for NCE use.<sup>2</sup>

As noted in the Petition, the reservation of the allotment would deliver 2,125 persons their first NCE service, 4,949 persons their second NCE service, and would best serve the public interest. Living Proof continues to support this allotment, and intends to file an application for the allotment should the Commission reserve the allotment for NCE use.

<sup>1</sup> *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, Public Notice, DA 03-2990 (rel. Sept. 30, 2003) (the "Public Notice").

<sup>2</sup> *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Various)*, 19 FCC Rcd 5333 (2004).

Therefore, Living Proof, Inc., respectfully requests that the Commission grant the Petition for Rulemaking, and reserve Channel 243C3 at Horseshoe Beach, Florida.

Respectfully submitted,

**LIVING PROOF, INC.**

By: 

Harry C. Martin  
Lee G. Petro

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Its Counsel

May 7, 2004

**CERTIFICATE OF SERVICE**

I, Michelle Brown Johnson, a Secretary with the law firm of Fletcher, Heald & Hildreth PLC, certify that I have sent the foregoing "COMMENTS", via first-class mail to the following:

Denise B. Moline, Esquire  
1212 South Naper Boulevard  
Suite 119  
Naperville, Illinois 60565  
Counsel for Starboard Media Foundation, Inc.

By:   
Michelle Brown Johnson

May 7, 2004